

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA**

In Re: Jamie Eugene Bitner	)	<b>Motion and Notice</b>
Tabitha Michelle Bitner	)	<b>Chapter 13</b>
	)	
	)	No: B-10-81206 C-13D
Debtor(s)	)	

The undersigned Standing Trustee respectfully moves the Court for an order as follows:

On March 18, 2011, the Debtors' Plan was confirmed. Ford Motor Credit (Trustee Claim No. 3) filed a proof of claim in this case secured by a 2010 Ford Focus automobile ("the automobile") in the amount of \$23,914.90. The claim of Ford Motor Credit was allowed as fully secured in the amount of \$23,914.90 with interest at the rate of 5.25% per annum. The Standing Trustee has been advised by the Debtors that the automobile was involved in a collision and declared a total loss.

The Standing Trustee respectfully recommends to the Court that an Order be entered modifying the Debtors' Plan as follows: 1) the remaining secured claim of Ford Motor Credit having a principal balance of \$21,700.72 plus interest at the rate of 5.25% per annum from April 30, 2011, be satisfied from insurance proceeds and such proceeds shall be paid by the insurance carrier directly to Ford Motor Credit; 2) upon receipt of the insurance proceeds, Ford Motor Credit shall release its lien on the automobile and forward the certificate of title to the automobile directly to the insurance carrier; 3) in the event that the insurance proceeds exceed the balance of the secured claim, such remaining proceeds shall be paid to the Trustee for application on the Debtors' Plan; 4) in the event that the balance of Ford Motor Credit's secured claim exceeds the amount of insurance proceeds, Ford Motor Credit shall have 90 days from the entry of an Order issued by this Court within which to amend its allowed unsecured claim to reflect the total deficiency and unsecured balance owed, and if no amended claim is timely filed, the secured claim of Ford Motor Credit shall be deemed satisfied from insurance proceeds.

Date: June 2, 2011  
ltp

s/Richard M. Hutson, II  
Standing Trustee

**NOTICE**

TAKE NOTICE THAT any interested party who has an objection to the Motion MUST FILE A WRITTEN OBJECTION on or before July 5, 2011, with the parties named on the attached Parties to be Served list and with the U.S. Bankruptcy Court at the following address:

*101 S. Edgeworth Street  
Greensboro, NC 27401*

If no objections are filed within the time period, the Court will consider this motion without a hearing. If objections are timely filed, a hearing on the motion will be held on July 28, 2011, at 11:00 a.m., at the following location:

*Courtroom,  
Venable Center  
Dibrell Building, Suite 280  
302 East Pettigrew Street  
Durham, NC 27701*

Date: June 2, 2011

OFFICE OF THE CLERK  
U.S. Bankruptcy Court

**PARTIES TO BE SERVED**  
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